

Amendments to the Drawing

As reflected in the attached replacement drawing sheet, Applicants have amended the Figure to include words in the English language only, with well-defined lines and letters.

REMARKS

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-29 are pending, with Claims 21-29 withdrawn from consideration.

Amendments to the Claims

Claims 1-20 have been examined, and no claims have been allowed.

Claim 1 has been amended to eliminate any vague and indefinite terms. Claim 1 has been further amended to include the limitations of Claim 2. Thus, Applicants respectfully request cancellation of Claim 2.

Claims 3-7, 12, and 13 have been amended to depend from amended Claim 1.

Claims 16-18 have been amended to correct the antecedent bases therein.

No new matter has been added by this Amendment. No additional fee is required because the number of independent claims remains unchanged and the total number of claims has been reduced.

Priority

Applicants will file certified copies of the A1202/2003 and A1203/2003 priority documents separately via U.S. mail.

Drawings

As reflected in the replacement drawing sheet, Applicants have provided an amended Figure including words in the English language only, and having well-defined lines and letters.

Amendments to the Specification

Applicants have corrected the typographical error in the patent number appearing on page 5, line 6. Applicants thank the Examiner for bringing this typographical error to their attention.

Claim Rejections - 35 U.S.C. §112

Claims 1-20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have amended Claim 1 by removing the vague and indefinite terms. Applicants have also amended Claims 16, 17, and 18 to correct the antecedent bases in each of these claims.

In view of these amendments, Applicants respectfully submit that amended Claims 1, 16, 17, 18, and all claims depending therefrom are not indefinite. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-9, 14, and 20 under 35 U.S.C. §102(b) as being anticipated by Kefferstein et al. (U.S. Patent 6,564,604) is respectfully traversed.

The Kefferstein reference fails to disclose the formation of hardened structural parts have cathodic corrosion protection.

As explained in paragraph [0015] of the subject application, the outcome of the methods disclosed in the Kefferstein reference is that a cathodic corrosion protection practically no longer exists. Moreover, such a layer is so brittle that cracks occur in the course of shaping. A coating with a mixture of 45 to 50% zinc and 55 to 45% aluminum also does not provide a corrosion protection worth mentioning. Although it is claimed in the Kefferstein reference that the use of zinc or zinc alloys as a coating would provide a galvanic protection even for the edges, it is not possible in actuality to achieve this. In actuality it is not even possible to provide a sufficient galvanic protection for the surface by means of the described coatings. Thus, the Kefferstein reference fails to disclose the formation of hardened structural parts have cathodic corrosion protection.

For at least the reasons given above, Applicants respectfully submit that the teachings of Kefferstein et al. fail to disclose Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103**A. Kefferstein et al. in view of Imai et al.**

The rejection of Claims 10-14, 16, and 17 under 35 U.S.C. §103(a) as being unpatentable over Kefferstein et al. (U.S. Patent No. 6,564,604) in view of Imai et al. (European Patent No. 1,439,240) is respectfully traversed.

As explained above, the Kefferstein reference fails to disclose or suggest the formation of hardened structural parts having cathodic corrosion protection. More particularly, the coatings described in the Kefferstein reference do not even provide a sufficient galvanic protection for the surface of the steel parts.

The Imai reference fails to overcome the deficiencies of the Kefferstein reference. Like Kefferstein et al., Imai et al. also fail to disclose or suggest a method for producing a hardened steel part having cathodic corrosion protection, as recited in Applicants' claimed invention.

Paragraphs [0057] and [0059] of Imai et al. mention possible zinc based plating layers, wherein some of them are used in the invention, too. Again in paragraphs [0078] and [0079] it is mentioned that the surface oxidation method is slightly different from Applicants' claimed invention. The surface oxidation (of the zinc based plated layer) happens directly after the hot dip galvanizing (which means directly after the coating with zinc).

According to paragraph [0101] of Imai et al., such a preoxidized zinc oxide coated steel sheet is then heated to the austenitic range or near the austenitic range prior to hot-press forming and then subjected to press forming in this temperature range.

This means that the zinc oxide layer is achieved by a *preoxidizing* of the zinc plating of the steel sheet and afterwards the steel sheet with the zinc and zinc oxide plating layer is subjected to an austenitization. The difference here between Applicants' claimed invention and Imai is that in Applicants' claimed invention the diffusion of the aluminum to the outer surface of the plating layer happens while the steel sheet is austenitized at the high temperatures. This will not happen in the Imai reference because in Imai a preoxidation of the surface of the plating layer is achieved at much lower temperatures in the preoxidizing step. This appears to be responsible for the difference in the plating layers, as in Applicants' claimed invention there is no zinc oxide at the surface

of the plating layer but only aluminum oxide, which protects the zinc from oxidizing to zinc oxide. On the contrary, in Imai a zinc oxide layer is desired and an aluminum oxide layer is not mentioned at all.

Imai does not teach the same coating process as claimed by Applicants', as directly afterwards a galvanealing step in an oxidating atmosphere is processed, which is not done in Applicants' claimed invention. Therefore, the zinc layer of Imai is transferred into a zinc oxide layer, whereas in Applicants' claimed invention the zinc layer is not oxidized but a surface of aluminum oxide protects the zinc from oxidizing.

Consequently, there is no suggestion or motivation for a person skilled in the art to combine the teachings of Imai with the teachings of Kefferstein. Even if a person skilled in the art combined the teachings of these two references, the resulting method would be much different than Applicants' claimed invention, since neither of these two references, alone or in combination, discloses or suggests the formation of hardened structural parts have cathodic corrosion protection.

For at least the reasons given above, Applicants respectfully submit that the teachings of Kefferstein et al. in view of Imai et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Kefferstein et al.

The rejection of Claims 15, 18, and 19 under 35 U.S.C. §103(a) as being unpatentable over Kefferstein et al. (U.S. Patent No. 6,564,604) is respectfully traversed.

As explained above, the Kefferstein reference fails to disclose or suggest the formation of hardened structural parts having cathodic corrosion protection, as recited in Applicants' claimed invention. In view of the shortcomings of the Kefferstein reference explained above with respect to Applicants' amended Claim 1, none of the claims depending from Claim 1 would be obvious matters of design choice because Kefferstein fails to disclose or suggest the general conditions of Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that the teachings of Kefferstein et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner feels that any issues remain regarding this Amendment, then Applicants' undersigned attorney would like to discuss the case with the Examiner. Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Applicants believe no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby requested to contact the undersigned to arrange for payment.

Respectfully submitted,

/Melanie I. Rauch/
SIGNATURE OF PRACTITIONER
Melanie I. Rauch, Reg. No. 40,924
Setter Roche LLP
Telephone: (720) 562-2280
E-mail: melanie@setterroche.com

Correspondence address:

CUSTOMER NO. 76444
Setter Roche LLP
P.O. Box 780
Erie, CO 80516

Attachment